

RESOLUTION NO. 1030-81

A RESOLUTION ADOPTING "CABLE COMMUNICATIONS SYSTEM FRANCHISE AGREEMENT BETWEEN THE JURISDICTIONS PARTICIPATING IN THE METROPOLITAN AREA COMMUNICATIONS COMMISSION AND STORER METRO COMMUNICATIONS, INC.," AS THE FRANCHISE AGREEMENT FOR THE CITY OF TUALATIN, OREGON; ELECTING TO REMAIN A MEMBER OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION; AND, OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Tualatin, hereinafter "City," is a member of the Metropolitan Area Communications Commission, hereinafter "Commission," which consists of representatives from certain cities and Washington County which have entered into an Intergovernmental Agreement, entitled, "Intergovernmental Cooperation Agreement - Metropolitan Area Communications Commission," hereinafter "Intergovernmental Agreement," and pursuant thereto developed a request for proposal which solicited proposals from companies interested in providing a cable communications system within the boundaries of the member jurisdictions, evaluated proposals and selected Storer Metro Communications, Inc., hereinafter "Company," as the company with which to negotiate, and negotiated, drafted and, by Commission Communications System Franchise Agreement Between the Jurisdictions Participating in the Metropolitan Area Communications Commission and Storer Metro Communications, Inc.," hereinafter "Franchise Agreement," which has been forwarded to City for consideration of adoption as the non-exclusive franchise agreement between City and Company; and

WHEREAS, Section 4.D. of the Intergovernmental Agreement, as amended by Commission Resolution No. 81-3, among other things, provides that if the City decides to adopt and enter into the Franchise Agreement with the Company in a timely and appropriate manner, the City thereby agrees to remain in the Commission and be bound by its decisions, subject to the terms and conditions of the Intergovernmental Agreement; and

WHEREAS, a public hearing was held before the City Council of the City on the 30th day of November, 1981, to consider the comments, statements and other remarks of the public relating to the proposed Franchise Agreement; and

WHEREAS, the City Council finds it to be in the best interest and welfare of the citizens of the City of Tualatin, Oregon to adopt the Franchise Agreement as that of the City and to remain in the Commission and to notify the Commission accordingly,

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, THAT:

Section 1: The City Council hereby adopts the Franchise Agreement developed, approved and forwarded by the Commission to the City, as the non-exclusive Franchise Agreement of the City of Tualatin, Oregon. A copy of the Franchise Agreement is attached hereto, marked Exhibit "A,"

and by this reference incorporated into this Resolution as though fully set forth herein.

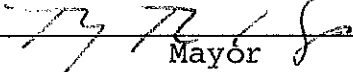
Section 2: By the adoption of the Franchise Agreement, as set forth in Section 1 of this Resolution, the City of Tualatin does hereby grant to Storer Metro Communications, Inc., a non-exclusive, revocable franchise for a fifteen-year period from and after the effective date of the Franchise Agreement to construct, operate and maintain a cable communications system, in a manner as defined, required and provided by the Franchise Agreement, within the corporate boundaries of the City of Tualatin, Oregon, as they are now or hereafter are established.

Section 3: In accordance with Section 4.3. of the Intergovernmental Agreement, as amended by Commission Resolution No. 81-3, the City of Tualatin, by adopting the Franchise Agreement, hereby elects to remain a member of the Commission, subject to Section 8.B. of the Intergovernmental Agreement, as amended by Commission Resolution No. 81-2 relating to withdrawal and termination, and to be bound by the decisions of the Commission, subject to the terms and conditions of the Intergovernmental Agreement.

Section 4: The Mayor and Recorder are hereby authorized to execute said Franchise Agreement on behalf of the City. Not later than Tuesday, January 5, 1982, the City Recorder shall deliver to the Commission Chairman a true copy of this Resolution and three duplicate originals of the Franchise Agreement.

INTRODUCED AND ADOPTED this 14th day of December, 1981.

CITY OF TUALATIN, OREGON

By   
Mayor

ATTEST:

By   
Recorder